



Senate

General Assembly

File No. 408

February Session, 2000

Substitute Senate Bill No. 30

Senate, April 4, 2000

The Committee on Judiciary reported through SEN. WILLIAMS of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

An Act Concerning Wildlife Management Programs Of The Department Of Environmental Protection.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 26-40a of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 For the purposes of this section, the following shall be considered as
4 potentially dangerous animals: The felidae, including the lion, leopard,
5 cheetah, jaguar, ocelot, jaguarundi cat, puma, lynx and bobcat; the
6 canidae, including the wolf and coyote; and the ursidae, including the
7 black bear, grizzly bear and brown bear. No person shall possess a
8 potentially dangerous animal. Any such animal illegally possessed
9 may be ordered seized and may be disposed of as determined by the
10 Commissioner of Environmental Protection. All costs associated with
11 the confiscation, care and maintenance of the animal until such time as
12 the animal is disposed of or is permanently relocated to a proper
13 facility shall be the responsibility of the owner or the person who is in

14 illegal possession of the animal. Any person who violates any
15 provision of this section shall be [fined not more than one hundred
16 dollars for each offense] assessed a civil penalty not to exceed one
17 thousand dollars, to be fixed by the court, for each offense. Each
18 violation shall be a separate and distinct offense and in the case of a
19 continuing violation, each day's continuance thereof shall be deemed
20 to be a separate and distinct offense. The Attorney General, upon
21 complaint of the Commissioner of Environmental Protection, may
22 institute a civil action to recover such penalty and any cost associated
23 with the confiscation, care and maintenance of the animal. The
24 provisions of this section shall not apply to municipal parks, zoos and
25 nature centers, or museums, laboratories and research facilities
26 maintained by scientific or educational institutions; to a person
27 possessing a Bengal cat certified by an internationally recognized
28 multiple-cat domestic feline breeding association as being without
29 wild parentage for a minimum of four prior generations which cat was
30 registered with the Commissioner of Agriculture on or before October
31 1, 1996, provided no such cat may be imported into this state after June
32 6, 1996; or to persons possessing animals legally on or before May 23,
33 1983. In any action taken by any official of the state or any
34 municipality to control rabies, a Bengal cat shall be considered not
35 vaccinated for rabies in accordance with accepted veterinary practice.

36 Sec. 2. Section 26-55 of the general statutes is repealed and the
37 following is substituted in lieu thereof:

38 No person shall import or introduce into the state, or possess or
39 liberate therein, any live fish, wild bird, wild [quadruped] mammal,
40 reptile, [or] amphibian or invertebrate unless such person has obtained
41 a permit therefor from the commissioner. Such permit may be issued at
42 the discretion of the commissioner under such regulations as [he] the
43 commissioner may prescribe. The commissioner may by regulation
44 prescribe the numbers of live fish, wild birds, wild [quadrupeds]
45 mammals, reptiles, [and] amphibians or invertebrates of certain species

46 which may be imported, possessed, introduced into the state or
47 liberated therein. The commissioner may by regulation exempt certain
48 species or groups of live fish from the permit requirements. [He] The
49 commissioner may by regulation determine which species of wild
50 birds, wild [quadrupeds] mammals, reptiles, [and] amphibians or
51 invertebrates must meet permit requirements. [He] The commissioner
52 may totally prohibit the importation, possession, introduction into the
53 state or liberation therein of certain species which [he] the
54 commissioner has determined may be a potential threat to humans,
55 agricultural crops or established species of plants, fish, birds,
56 [quadrupeds] mammals, reptiles, [or] amphibians or invertebrates. The
57 commissioner may by regulation exempt from permit requirements
58 organizations or institutions such as zoos, research laboratories,
59 colleges or universities, public nonprofit aquaria or nature centers
60 where live fish, wild birds, wild [quadrupeds] mammals, reptiles,
61 [and] amphibians or invertebrates are held in strict confinement. Any
62 such fish, bird, [quadruped] mammal, reptile, [or] amphibian or
63 invertebrates illegally imported into the state or illegally possessed
64 therein shall be seized by any representative of the Department of
65 Environmental Protection and shall be disposed of as determined by
66 the commissioner. Any person, except as provided in section 26-55a,
67 who violates any provision of this section or any regulation issued by
68 the commissioner as herein provided shall be guilty of an infraction.
69 Importation, liberation or possession of each fish, wild bird, wild
70 [quadruped] mammal, reptile, [or] amphibian or invertebrate in
71 violation of this section or such regulation shall be a separate and
72 distinct offense and, in the case of a continuing violation each day of
73 continuance thereof shall be deemed to be a separate and distinct
74 offense.

75 Sec. 3. Section 26-57 of the general statutes is repealed and the
76 following is substituted in lieu thereof:

77 No person shall transport within the state or transport out of the

78 state any fish, bird, [quadruped] mammal, reptile, [or] amphibian or
79 invertebrate for which a closed season is provided without a permit
80 from the commissioner, except as provided herein. The commissioner
81 may issue a permit to any person to transport within the state or to
82 transport out of the state any fish, bird, [quadruped] mammal, reptile,
83 [or] amphibian or invertebrate protected under the provisions of this
84 chapter under such regulations as [he] the commissioner may
85 prescribe. No fish, bird, [quadruped] mammal, reptile, [or] amphibian
86 or invertebrate shall be transported out of the state unless each unit,
87 package or container is conspicuously tagged or labeled, and such tag
88 or label contains in legible writing the full name and address of the
89 person legally authorized to transport out of the state such fish, bird,
90 [quadruped] mammal, reptile, [or] amphibian or invertebrate. Any
91 such fish, bird, [quadruped] mammal, reptile, [or] amphibian or
92 invertebrate received by any person or by any common carrier within
93 the state, addressed for shipment to any point without the state and
94 not having such tag or label conspicuously attached shall be prima
95 facie evidence of a violation of the provisions of this section. A permit
96 shall not be required to transport within the state or to transport out of
97 the state any fish, bird, [quadruped] mammal, reptile, [or] amphibian
98 or invertebrate which has been legally taken, bred, propagated or
99 possessed by a person to whom a license, registration or permit has
100 been issued under the provisions of this chapter authorizing the
101 taking, breeding, propagating or possessing of fish, birds,
102 [quadrupeds] mammals, reptiles, [or] amphibians or invertebrates, and
103 no permit shall be required to transport within the state or to transport
104 out of the state any fish, bird, [quadruped] mammal, reptile, [or]
105 amphibian or invertebrate, that has been legally taken or acquired by a
106 person exempt from license requirements under the provisions of this
107 chapter. Any person who violates any provision of this section shall be
108 fined not less than ten dollars nor more than two hundred dollars or
109 imprisoned not more than sixty days or be both fined and imprisoned.

110 Sec. 4. Section 26-70 of the general statutes is repealed and the

111 following is substituted in lieu thereof:

112 (a) No person shall hunt, take, attempt to hunt or take, or assist in
113 hunting or taking, or assist in an attempt to hunt or take, from the
114 wild, any wild game bird, wild [quadruped] mammal, reptile, [or]
115 amphibian or invertebrate except as authorized under the provisions
116 of this chapter and the regulations issued by the commissioner. Each
117 game bird, wild quadruped, reptile and amphibian killed, wounded,
118 taken or possessed contrary to any provision hereof shall constitute a
119 separate offense.

120 (b) No person may administer or otherwise employ the use of
121 contraceptive compounds to any species of free ranging wildlife or
122 employ any physical alteration or device that would alter the
123 reproductive potential of any species of free ranging wildlife without
124 first obtaining a permit from the commissioner. The prohibitions of
125 this subsection shall not apply to the wildlife management programs
126 of the department or of the Connecticut Agricultural Experiment
127 Station.

128 (c) The commissioner shall adopt regulations, in accordance with
129 the provisions of chapter 54, to carry out the requirements of
130 subsection (b) of this section. The regulations shall include, but need
131 not be limited to, definitions of contraceptive compounds and devices,
132 and restrictions on the possession of such compounds or devices in the
133 field. The regulations may require that the applicant (1) first obtain any
134 necessary federal permits, and (2) provide to the commissioner a
135 written proposal describing the contraception application protocol, the
136 credentials of each person who will administer the contraceptive
137 procedure, the purpose or intent of the procedure and an assessment
138 of environmental impacts.

139 Sec. 5. Section 26-92 of the general statutes is repealed and the
140 following is substituted in lieu thereof:

141 No person shall catch, kill or purchase or attempt to catch, kill or
 142 purchase, sell, offer or expose for sale or have in possession, living or
 143 dead, any wild bird other than a game bird, or purchase or attempt to
 144 purchase, sell, offer or expose for sale or have in possession any part of
 145 any such bird or of the plumage thereof except as acquired under the
 146 provisions of this chapter. For the purposes of this section, the
 147 following shall be considered game birds: The anatidae, or waterfowl,
 148 including brant, wild ducks and geese; the rallidae, or rails, including
 149 coots, gallinules and sora and other rails; the limicolae, or shore birds,
 150 including snipe and woodcock; the gallinae, including wild turkeys,
 151 grouse, prairie chickens, pheasants, partridge and quail; the corvidae,
 152 including crows. No person shall take or [needlessly] intentionally
 153 destroy any nest or any egg of any wild bird or game bird nor have
 154 any nest or egg of any such bird in possession. English sparrows,
 155 starlings, rock doves, monk parakeets and, when [in the act of
 156 destroying corn, crows and red-winged and crow blackbirds] found
 157 depredating or constituting a threat of depredation upon ornamental
 158 or shade trees, agricultural crops, livestock or wildlife, or when
 159 concentrated in such numbers and manner as to constitute a public
 160 health hazard, crows, brown-headed cowbirds and grackles shall not
 161 be included among the birds protected by this section. The existence of
 162 a public health hazard shall be determined by the commissioner in
 163 consultation with the Commissioner of Public Health or the local
 164 director of health. Any conservation officer and any other officer
 165 having authority to serve criminal process shall have the same powers
 166 relating to violations of the provisions of this section as are conferred
 167 by section 26-6.

ENV Committee Vote: Yea 24 Nay 0 JFS C/R JUD

JUD Committee Vote: Yea 40 Nay 0 JF

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: See Explanation Below

Affected Agencies: Department of Environmental Protection,
Department of Public Health, Office of the
Attorney General

Municipal Impact: Potential Minimal Cost

Explanation**State Impact:**

Although the Department of Environmental Protection (DEP) is not incurring significant costs at this time for the confiscation of animals, requiring owners or persons illegally possessing such animals to pay DEP for their care could result in additional cases. Each case can cost thousands of dollars and DEP does not have the funds to maintain these animals. In 1999 there was one case. Any increase in the workload/caseload of the Attorney General is anticipated to be minimal and handled within existing budgetary resources. Any increase in revenue due to increased penalties is also anticipated to be minimal.

Requiring DEP to adopt regulations concerning the use of contraception for wildlife is estimated to cost \$25,000-\$50,000 or the diversion of staff for ¼ man year.

The Department of Public Health can consult about public health hazards caused by certain birds within budgetary resources.

Municipal Impact:

It is anticipated that local health directors can consult about public hazards caused by certain birds within budgetary resources.

OLR Bill Analysis

sSB 30

***AN ACT CONCERNING WILDLIFE MANAGEMENT PROGRAMS OF
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.*****SUMMARY:**

This bill requires owners or people illegally possessing potentially dangerous animals to pay the Department of Environmental Protection's (DEP) costs incurred caring for those animals. It also increases the penalty for possessing them and authorizes the attorney general, at DEP's request, to recover the costs and the penalty.

The bill expands the prohibition against importing, introducing, and transporting non-native species into the state to include invertebrates (creatures without backbones) and all mammals rather than just quadrupeds. It makes corresponding changes to the penalty provisions.

It also expands the prohibition against hunting without a license to include invertebrates and all mammals (but does not include them in the definition of an offense).

It prohibits anyone, other than the Connecticut Agricultural Experiment Station, from using contraceptive compounds, physical alterations, or devices to alter the reproduction potential of free ranging wildlife without a permit from DEP. It requires DEP to adopt regulations to implement the requirement.

The bill adds certain birds to the list of birds that are not protected by the prohibition against killing, catching, selling, or possessing wild birds other than game birds. It expands the circumstances under which certain other birds may be killed, caught, sold, or possessed and makes minor changes.

EFFECTIVE DATE: October 1, 2000

POTENTIALLY DANGEROUS ANIMALS

The bill requires owners and people who possess potentially dangerous animals to pay DEP's costs associated with care and maintenance of any such animal until it is permanently relocated or put down.

It increases the penalty for possessing potentially dangerous animals from up to a \$100 fine to a civil penalty set by the court of up to \$1000 for each offense. In addition, it makes each day of a continuing offense a separate and distinct offense.

The bill authorizes the attorney general, upon DEP complaint, to bring a civil action to recover the care and maintenance costs and the civil penalty.

IMPORTATION, INTRODUCTION, AND TRANSPORT OF NON-NATIVE INVERTEBRATES AND MAMMALS

The bill expands the prohibition against importing or introducing non-native species to the state without a permit (1) to include invertebrates and (2) by changing references to quadrupeds to mammals. The bill makes corresponding changes to DEP authority to (1) regulate the importation and introduction of such species, (2) protect native species, (3) exempt certain institutions, and (4) seize illegally imported or possessed species.

The bill makes similar changes to the provisions regarding transporting species in or out of the state. Existing law prohibits, without a permit, anyone from transporting in or out of the state fish, birds, quadrupeds, reptiles, or amphibians that are subject to a closed season, unless they are legally taken or possessed. The bill adds invertebrates and refers to mammals rather than quadrupeds. It makes corresponding changes to the provisions regarding labeling packages or containers containing such species and making receipt of such species prima facie evidence of a violation.

FREE RANGING WILDLIFE CONTRACEPTION

The bill prohibits anyone other than the Connecticut Agricultural

Experiment Station, from using contraceptive compounds, physical alterations, or devices to alter the reproduction potential of free ranging wildlife without a permit from DEP.

It requires DEP to adopt regulations to implement this requirement. The regulations must include a definition of contraceptive compounds and devices, and restrictions on possession of them in the field. The regulations may require applicants to (1) obtain necessary federal permits, and (2) provide a written proposal describing the contraception application protocol, credentials of those administering it, and the purpose of the procedure and its environmental impacts.

PROTECTED BIRD'S AND NESTS

It changes, from needlessly to intentionally, the standard for determining violations of the prohibition against destroying or possessing the nest or egg of wild or game birds. It also adds rock doves and monk parakeets to the list of birds not protected by the prohibition against catching, killing, or possessing wild birds other than game birds.

Under current law, certain other birds such as crows and red winged and crow blackbirds are not protected if they are destroying corn crops. The bill expands the birds that may not be protected to include brown-headed cowbirds and grackles and the instances that they are not covered to include plundering or threatening to plunder any agricultural crops, trees, livestock, or wildlife or when they constitute a public health hazard as determined by DEP in consultation with the Department of Public Health or the local health director.

BACKGROUND

Potentially Dangerous Animals

Potentially dangerous animals include the (wild cats) felidae, including the lion, leopard, cheetah, jaguar, ocelot, jaguarundi cat, puma, lynx, and bobcat; the canidae (canine) including the wolf and coyote; and the ursidae (bears) including the black bear, grizzly bear, brown bear, and certain Bengal cats.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute Change of Reference

Yea 24 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 40 Nay 0